

REMARKS***Amendment of the claims***

Claim 1-55 are pending in the present application. By this amendment, claims 8-13 and 15-17 are cancelled. Upon Entry of this amendment, claims 1-7, 14, 18-55 are currently under examination.

With respect to claim amendments and cancellation, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants expressly reserve the right to pursue prosecution of any presently excluded subject matter or claim embodiments in one or more future continuation and/or divisional application(s).

Response to Election of Species Requirement

The Election of Species Requirement states that the instant application contains claims directed to more than one species of the generic invention.

Specifically, Applicants are required to elect species from the following:

I. Applicants is required to elect a single analyte chosen from *one* of the following:

- A. cell – claims 2 and 3.
- B. a cellular organelle – claims 2-4.
- C. a virus – claim 2.
- D. a molecule – claims 2 and 5.
- E. an aggregate – claim 2.
- F. a hormone – claims 7.
- G. a cancer marker – claim 7.
- H. a steroid – claim 7.
- I. a sterol – claim 7.
- J. a pharmaceutical compound – claim 7.
- K. a metabolite of a pharmaceutical compound – claim 7.

In addition, if Group D is elected, Applicants are further required to elect either one of the following:

- a. An inorganic molecule reading on claims 2 and 5, or
- b. An organic molecule reading on claims 2, 5 and 6.

II. Applicants are required to elect a single sample type chosen from *one* of the following:

- L. mammalian sample is bovine – claims 8 and 9.
- M. mammalian sample is goat – claims 8 and 9.
- N. mammalian sample is sheep – claims 8 and 9.
- O. mammalian sample is equine – claims 8 and 9.
- P. mammalian sample is rabbit – claims 8 and 9.
- Q. mammalian sample is guinea pig – claims 8 and 9.
- R. mammalian sample is murine – claims 8 and 9.
- S. mammalian sample is human – claims 8 and 9.
- T. mammalian sample is feline – claims 8 and 9.
- U. mammalian sample is monkey – claims 8 – 9.
- V. mammalian sample is dog – claims 8 – 9.
- W. clinical sample is serum or body fluid – claims 10, 11 and 13.
- X. clinical sample is plasma or body fluid – claims 10, 11 and 13.
- Y. clinical sample is whole blood or body fluid – claims 10, 11 and 13.
- Z. clinical sample is sputum or body fluid – claims 10, 11 and 13.
- AA. clinical sample is cerebral spinal fluid or body fluid – claims 10, 11 and 13.
- BB. clinical sample is amniotic fluid or body fluid – 10, 11 and 13.
- CC. clinical sample is urine of body fluid – 10, 11 and 13.
- DD. clinical sample is gastrointestinal contents – claims 10 and 11.
- EE. clinical sample is hair – claims 10 and 11.
- FF. clinical sample is saliva or body fluid – claims 10, 11 and 13.
- GG. clinical sample is sweat of body fluid – claims 10, 11 and 13.
- HH. clinical sample is gum scrapings and claims 10 and 11.
- II. clinical sample is tissue from biopsies – claims 10 and 11.
- JJ. clinical sample is human clinical sample – claims 10 and 12.
- KK. the sample is a body fluid sample – claim 13.

III. Applicants are required to elect a single reactant chosen from *one* of the following:

- LL. the reactant is a cell – claim 15.
- MM. the reactant is a cellular organelle – claims 15.
- NN. the reactant is a virus – claim 15.

- OO. the reactant is a molecule – claim 15.
- PP. the reactant is an aggregate – claim 15.
- QQ. the reactant is an antibody – claim 16.
- RR. the reactant is a nucleic acid – claim 17.

IV. Applicants are required to elect a single assay format chosen from *one* of the following:

- SS. the assay format is a direct assay – claim 18.
- TT. the assay format is a sandwich assay – claims 19.
- UU. the assay format is competition assay – claims 20.
- VV. any of the various formats (i.e. ELISA, RIA, IHA, etc.) in claim 52 – claim

52.

V. Applicants are required to elect a single transition metal chosen from *one* of the following:

- WW. the transition metal complex is a ferrocene – claims 21 and 22.
- XX. the transition metal complex is a metal porphyrin – claims 21 and 22.
- YY. the transition metal complex is a metal polypyridine – claims 21 and 22.
- ZZ. the transition metal complex is a metal poly-phenanthroline – claims 21 and

22.

- AAA. the transition metal complex is a metal phthalocyanine– claims 21 and 22.
- BBB. the transition metal is cobalt – claims 21 and 23.
- CCC. the transition metal is nickel– claims 21 and 23.
- DDD. the transition metal is osmium – claims 21 and 23.
- EEE. the transition metal is iron – claims 21 and 23.
- FFF. the transition metal is rhenium – claims 21 and 23.
- GGG. the transition metal is chromium – claims 21 and 23.
- HHH. the transition metal is ruthenium – claims 21 and 23.
- III. the transition metal is ruthenium tris (2,2'-bipyridine) – claims 21, 24 and 25.

VI. Applicants are required to elect a single oxide electrode chosen from *one* of the following:

JJJ. The oxide metal is selected from the group consisting of gold, platinum, silver, cobalt, nickel, and carbon – claims 26 and 27.

KKK. The electrode is a metal oxide selecting from the group consisting of indium oxide, tin oxide, titanium oxide, zirconium, tungsten oxide, zinc oxide, and iron oxide – claims 28, 29, 30 and 31.

VII. Applicants are required to elect a single reducing agent chosen from *one* of the following:

LLL. the reducing agent is an aqueous solution – claim 34.

MMM. the reducing agent is an organic redox molecule – claims 35 and 42-44.

In addition, if Group MMM is elected, Applicants are further required to elect one of the following:

- e. an organic acid reading on claim 36,
- f. an organic base reading on claims 36 and 39-41,
- g. an organic ion reading on claim 36,
- h. an organic zwitterion reading on claims 36 and 45-51,
- i. an ionized organic acid/base reading on claims 42-22.¹

In addition, if subspecies e is elected, Applicants are required to elect one of the following:

- j. either claim 37 reading on a carboxylic acid or claim 38 reading on an oxalic acid.

In response, Applicants elect the following:

I. Applicants elect species D, a molecule (claims 2 and 5). Applicants further elect subspecies b, an organic molecule (claims 2, 5 and 6). Claims 1, 2, 5, 6, 14, and 18-55 read on this elected species.

II. Applicants respectfully submit that claims 8-13, which refer to sample types, have been cancelled. The requirement for election of a single sample type is thus rendered moot.

III. Applicants respectfully submit that claims 15-17, which refer to reactant, have been cancelled. The requirement for election of a single reactant is thus rendered moot.

IV. Applicants elect TT, a sandwich assay (claim 19). Claims 1-7, 14, 19, 21-51, and 53-55 read on this elected species.

¹ Applicants note that the listed claim number appears to be an error.

V. Applicants elect **III**, ruthenium tris(2,2'-bipyridine) (claims 21, 24 and 25). Claims 1-7, 14, 18-21, and 24-55 read on this elected species.

VI. Applicants elect **JJJ**, an oxide metal selected from the group consisting of gold, platinum, silver, cobalt, nickel and carbon (claims 26 and 27). Claims 1-7, 14, 18-27, and 34-55 read on this elected species.

VII. Applicants elect **MMM**, an organic redox molecule (claims 25 and 42-44). Applicants further elect subspecies **h**, an organic zwitterion (claims 36 and 45-51). Claims 1-7, 14, 18-33, 35-36, and 45-55 read on this elected species.

Applicants' election is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to not more than a reasonable number of species in addition to the elected species, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.146.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

CONCLUSION

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition of any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no 514572000300. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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